

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re) Chapter 7
)
CRESCENT & SPRAGUE SUPPLY CO., INC.) Case No. 15-54509
)
Debtor.) Judge Caldwell
)
)

**SECOND SUPPLEMENTAL RESPONSE TO APPLICATION TO EMPLOY JEFFREY
MARK LEVINSON OF LEVINSON, LLP AS ATTORNEY FOR TRUSTEE
(Docket Nos. 200, 208, 218 and 219)**

The Office of the United States Trustee ("U.S. Trustee") hereby submits his Second Supplemental Response to the Application to Employ Jeffrey Mark Levinson of Levinson, LLP ("Levinson") as Attorney for Trustee under 11 U.S.C. § 327 ("Application," Docket No. 200).

The U.S. Trustee acknowledges receipt of electronic copies of the supplemental documentation on Monday, November 14, 2016 at 8:34 p.m., and hand-delivered hard copies on the morning of Tuesday, November 15, 2016. As such, and in compliance with this Court's Order (Docket No. 219), the documents were timely submitted.

The Court previously directed Levinson to file a report detailing pleadings that provide all the terms of any settlement or dismissal of allegations in certain Delaware litigation (*see, e.g.*, Docket No. 208). The U.S. Trustee is satisfied that there are no pleadings docketed that reflect a settlement between the parties. Further, the U.S. Trustee confirms that the additional documentation provided on November 14, 2016, includes documentation reflecting settlement terms as directed by this Court.

However, it is of note that the settlement is not yet finalized, and is subject to notice, objection, and hearing. The documents provided evidence a *proposed* settlement, in that it is undated and unsigned. Further, from the U.S. Trustee's review, it appears that even after an

agreement is struck and parties noticed, there is a deadline imposed whereby parties can submit Objections to the settlement.

Dated: November 16, 2016

DANIEL M. MCDERMOTT
UNITED STATES TRUSTEE FOR REGION 9

By: /s/ Pamela Arndt
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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2016, a copy of the foregoing SECOND SUPPLEMENTAL RESPONSE TO APPLICATION TO EMPLOY JEFFREY MARK LEVINSON OF LEVINSON, LLP AS ATTORNEY FOR TRUSTEE (Docket Nos. 200, 208, 218 and 219) was served on the following:

All ECF participants registered in this case were served electronically on the date of filing through the court's ECF System at the email address registered with the court.

By: /s/ Pamela Arndt
Pamela Arndt